

**DECLARATION OF
MACIEJ KUZNIAR
ISO GOOGLE LLC'S
RESPONSE TO THE
COURT'S 10/27/22
ORDER TO SHOW
CAUSE (DKT. 784)**

**Redacted Version of
Document Sought to
be Sealed**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION

CHASOM BROWN, et al., individually and
on behalf of all similarly situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

Case No. 4:20-cv-03664-YGR-SVK

DECLARATION OF MACIEJ KUZNIAR

1. I am a Google Software engineer and a team lead for Google's Quality team. I have served in this capacity for more than three years. I have been a Google employee for more than six years. I make this declaration of my own personal, firsthand knowledge, and if called as a witness, I could and would testify competently thereto.

2. I understand that Google served a declaration of Martin Šrámek in the above-captioned litigation on June 14, 2022, which identified, among other logs, the following log that contains the "is_chrome_non_incognito_mode" bit:

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3. I am familiar with the log identified in paragraph 2 because I was involved in designing and evaluating this log.

4. Log is designed to be a replacement for , which gets logged from a different part of Google's infrastructure for convenience purposes. It is intended to serve the same purpose as , namely, , and is intended to log the . Therefore, all the fields in , including "is_chrome_non_incognito_mode," were replicated in this log.

1 5. Currently both logs exist because the migration is still ongoing. The
2 [REDACTED] log is not yet a fully operational log and is still being tested. For
3 this reason, until November 24 it recorded only a random set of approximately 0.1 percent of the
4 events that are recorded in the [REDACTED] log. It now records
5 approximately 1 percent of such events. The log first recorded data in October 2019.

6 6. Attached hereto as Exhibit A is a true and correct copy of a screenshot showing the
7 results of a query that I ran across the log identified in paragraph 2 to search for user identifiers
8 (e.g., Gaia, Biscotti, and Zwieback IDs). As the results of this query show, like the
9 [REDACTED] log, the log identified in paragraph 2 does not contain
10 any user identifiers and therefore could not be searched to link the content of the
11 is_chrome_non_incognito_mode field with authenticated or unauthenticated users or devices:

12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 7. The query discussed in paragraph 6 above confirms that
20 [REDACTED] does not contain any user identifiers because it returned no
21 results when I searched for any [REDACTED] records that have a value set for
22 either [REDACTED]

23 8. The log identified in paragraph 2 above has not been used to perform analysis
24 specifically directed at Incognito browsing.

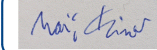
25
26 I declare under penalty of perjury that the foregoing is true and correct.

27 Executed on the 29 day of November 2022 at Zurich, Switzerland.
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By:

DocuSigned by:



Maciej Kuzniar